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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	<b>Adult Entertainment Commission</b>
MEETING DATE AND TIME:	<b>Thursday, October 27, 2011 at 2:00 p.m.</b>
PLACE:	Cannon Building, 861 Silver Lake Boulevard Conference Room A, Dover, Delaware 19904
MINUTES APPROVED:	January 26, 2012

**MEMBERS PRESENT**

James Nutter, Chairman  
Maisha Britt, Public Member  
Mary Kate McLaughlin, Public Member  
Robb Carter, Public Member  
Tiffany Trawick, Public Member

**MEMBERS ABSENT**

None

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Andrew Kerber, Deputy Attorney General (joined via conference call at 2:18 p.m.)  
Michele Howard, Administrative Specialist II  
Sandra Wagner, Administrative Specialist III

**PUBLIC PRESENT**

Will Duckery, Fairways Inn Topless Tavern

**CALL TO ORDER**

Mr. Nutter called the meeting to order at 2:18 p.m.

Mr. Nutter made a motion, seconded by Dr. Britt, to amend the agenda to add item 4.4.5 Tammy Kashner, 4.4.6 Jessica Davidson, and 4.4.7 Amber Elzy. The motion passed unanimously.

**REVIEW AND APPROVAL OF MINUTES**

The Commission reviewed the minutes from the July 28, 2011 meeting. Mr. Carter made a motion, seconded by Dr. Britt, to approve the minutes as presented. The motion passed unanimously.

**NEW BUSINESS**

None

**UNFINISHED BUSINESS**

FAIRWAYS INN TOPLESS TAVERN

Review of Criminal Background Reports (Contingent Approval July 2011)

Charles W. Atkins

Lea A. Workman

Danielle Nicole Strobel

Shelly Lee Spence-Moreno

Maria Marie Maisano

Dezaray Nicole King

Paula Arlene Cooper

Beverly E. Carnes

Janelle E. Wilson

Willis J. Duckery

Josephina A. Duckery

Elanor M. Winter

Marie Frances Knapp

Shamma Maria Casson

Samantha A. Richards

Mr. Nutter acknowledged that Mr. Duckery was present for the meeting. After review, Mr. Nutter stated that the criminal background reports are all in order. Mr. Nutter made a motion, seconded by Ms. McLaughlin, to accept all of the criminal background reports, as listed above. The motion passed unanimously.

#### Review of Criminal Background Reports – FBI Cannot Identify Individual

Gloria J. Perri

Stacey Marie Dawson

Mr. Nutter stated that the FBI could not identify two individuals, neither of whom have criminal history in Delaware. Mr. Nutter summarized a letter from the Department of Homeland Security regarding the two individuals. Ms. McLaughlin stated that it may be "an alias issue". Mr. Carter asked what the requirements are. Mr. Nutter stated, and Mr. Kerber confirmed, that both state and federal criminal history checks are required. Mr. Kerber added that the Commission may want to inquire of the two individuals if they have another name that may be searched. Mr. Nutter acknowledged Mr. Duckery. Mr. Duckery stated that he is concerned that the state police no longer notify him if his "employees" have a criminal history. Mr. Duckery added that he believes the 10-day requirement for notification of employee/contractor changes is problematic. Dr. Britt questioned whether DPR's Investigative Unit could further investigate the Social Security Numbers of Ms. Perri and Ms. Dawson. Mr. Nutter and Ms. McLaughlin believe it must be a "glitch" in the FBI's system. Mr. Duckery reviewed a photograph of Stacey Dawson and stated that Ms. Dawson is no longer working for Fairways. Ms. Howard pointed out that the Commission had not been previously notified that Ms. Dawson was no longer working there. Mr. Carter made a motion, seconded by Ms. McLaughlin, to approve Gloria Perri to work for Fairways during the current licensure period based on her Delaware criminal history report, with no further federal information required. The motion passed unanimously. The Commission stressed that this should not set a precedent and requested that DAG Kerber obtain more information regarding federal criminal history reports. Ms. Howard will send a copy of the FBI's letter referencing Gloria Perri to Mr. Kerber, and he will contact the FBI for an explanation.

#### Review of Certificates of Individual and Criminal Background Reports – New

Lisa Lee Zullo

Alana Smith

Brenda Marie McMillan

All Commission Members reviewed the Certificates of Individual and criminal history reports of Lisa Lee Zullo, Alana Smith and Brenda Marie McMillan. After discussion, Ms. McLaughlin made a motion, seconded by Ms. Trawick, to accept all three applicants. The motion passed unanimously.

#### Review Updated List of Employee and Independent Contractors Received 10/10/11

Mr. Nutter reviewed a list of Fairways' employees and independent contractors dated 10/10/11 submitted by Mr. Duckery. Mr. Nutter questioned and Mr. Duckery confirmed that Ms. Knapp and Ms. Winter are employees, not independent contractors. Mr. Duckery again stated his concern about the Commission's 10-day notification requirement. The Commission Members unanimously agreed that Mr. Duckery can contingently hire independent contractors and they can work at Fairways until the Commission has an opportunity to meet and review criminal history reports. After discussion, Mr. Duckery agreed that he will submit names of new contractors to the Commission office within 10 days of hiring.

#### DVD DEPOT

##### Review of Criminal Background Reports (Contingent Approval July 2011)

Arthur S. Rosenheck

John Joseph Bain

Scott Bruce Littleton

George H. Arthur

Richard C. Arthur

After review, Ms. McLaughlin made a motion, seconded by Mr. Carter, to accept the criminal history reports of Arthur S. Rosenheck, John Joseph Bain, Scott Bruce Littleton, George H. Arthur and Richard C. Arthur. The motion passed unanimously.

#### BOB'S DISCOUNT BOOKS, INC.

##### Review of Criminal Background Reports (Contingent Approval July 2011)

Jeffrey Neil Cohen

Dr. Britt reviewed the criminal history report of Jeffrey Neil Cohen. Mr. Nutter made a motion, seconded by Dr. Britt, to accept the report. The motion passed unanimously.

#### Harkles William Martin, Jr.

Dr. Britt reviewed the criminal history report of Harkles William Martin, Jr., and made a motion, seconded by Ms. McLaughlin, to accept the report. The motion passed unanimously.

#### Robert Kenneth Hoffman, Jr.

Dr. Britt reviewed the criminal history report of Robert Kenneth Hoffman, Jr. and made a motion, seconded by Ms. Trawick, to accept the report. The motion passed unanimously.

#### Harkles William Martin, Sr.

Dr. Britt reviewed the criminal history report of Harkles William Martin, Sr. Dr. Britt and Mr. Nutter expressed concern with several convictions of trespassing with the intent to peep or peer. Mr. Nutter asked Mr. Kerber for his legal opinion of whether such convictions constitute "lewdness". Mr. Kerber referred the Commission Members to its general purpose as stated in Section 1601 of the statute. Mr. Kerber added that trespassing with the intent to peep or peer is not a cited offense under Sections 1617 or 1601 of the Commission's statute. Ms. McLaughlin made a motion, seconded by Mr. Carter, to accept the criminal history report of Harkles William Martin, Sr. The motion carried by a majority vote, with Dr. Britt abstaining.

#### Review of Certificates of Individual and Criminal Background Reports – New

Vaughna Maurice Moore

Dr. Britt reviewed the certificate of individual and criminal history report of Vaughna Maurice Moore. Ms. McLaughlin made a motion, seconded by Dr. Britt to accept the applicant. The motion passed unanimously.

#### REVIEW OF CRIMINAL BACKGROUND REPORTS – UNASSOCIATED

Donna Sanders

Katherine E. Leech

Amanda L. Poore

Michelle L. Dillmore

Tammy Kashner

Jessica Davidson

Amber Elzy

Mr. Nutter advised Ms. Howard that no action needs to be taken on the unassociated criminal background reports, until a corresponding certificate of individual is received.

#### ADULT-ORIENTED RETAIL ESTABLISHMENTS (Ongoing Agenda Item per Mr. Nutter)

After discussion, Ms. Trawick made a motion, seconded by Mr. Carter, to omit this item on future agendas. The motion passed unanimously.

## LEATHER CENTRAL – FEDERAL CRIMINAL BACKGROUND REPORTS NOT RECEIVED

Christopher Miles

Jason Alcorn

Richard L. Siegle

Ms. Howard stated that she had contacted the State Bureau of Identification to inquire about the federal criminal background reports for Leather Central. The SBI office advised that the three individuals from Leather Central had been fingerprinted and ordered criminal background reports prior to the change in the Commission's law allowing for federal reports to be submitted to the Commission. After discussion, Ms. McLaughlin made a motion, seconded by Ms. Trawick, to not require the federal criminal reports for Christopher Miles, Jason Alcorn and Richard L. Siegle until the 2012 renewal. The motion passed unanimously.

## **COMPLAINT STATUS**

### Complaint 16-04-10 (Nutter)

Mr. Nutter reported that Complaint 16-04-10 has been dismissed and the hearing cancelled by the Attorney General's office. Mr. Kerber will follow-up with Barbara Gadbois to find out why the hearing was cancelled. In the future, the Commission wants to receive more information if the Attorney General dismisses a case or cancels a hearing.

### Complaint 16-04-11 (Nutter)

Mr. Nutter advised that the hearing for complaint 16-04-11 will be heard by a DPR hearing officer on November 14, 2011.

Mr. Duckery stated that "Crazy Eight" will be opening in November in the former Canton Inn location. Ms. Howard advised Mr. Duckery to file a complaint after the business opens if he believes it is an adult entertainment establishment operating without a license.

## **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

### MEMO FROM DPR DIRECTOR COLLINS RE 146<sup>TH</sup> GENERAL ASSEMBLY, 2<sup>ND</sup> LEGISLATIVE SESSION

The Commission reviewed the memo from Director Collins. There was no discussion.

## **2012 MEETING SCHEDULE**

The Commission reviewed the 2012 meeting schedule. There was no discussion.

## **PUBLIC COMMENT**

Mr. Duckery questioned whether there were pending hearings for other adult entertainment establishments. Ms. Howard advised that other establishments were currently under investigation, but that only one hearing was currently scheduled.

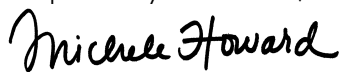
## **NEXT SCHEDULED MEETING**

The next meeting will be held on January 26, 2012 at 2:00 p.m. in second-floor Conference Room A of the Cannon Building located at 861 Silver Lake Boulevard in Dover.

## **ADJOURNMENT**

Dr. Britt made a motion, seconded by Ms. McLaughlin, to adjourn the meeting at 3:44 p.m. The motion passed unanimously.

Respectfully submitted,



Michele Howard  
Administrative Specialist II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.*